

GAHC010132422026



2026:GAU-AS:9659

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/3636/2026

RAMBHA DUTTA AND 3 ORS
D/O LATE RAMNATH DAS, R/O RAHA GARMARI, P.O. AND P.S. RAHA,
DISTRICT NAGAON, ASSAM.

2: PRABHAWATI BORA ALIAS RUNU BORA

D/O LATE RAMNATH DAS
R/O HAIBARGAON LNB ROAD
P.O. AND P.S. HAIBARGAON
NAGAON
ASSAM.

3: BHADRAWATI BORA
D/O LATE RAMNATH DAS
P.O. AND P.S. DHING
DISTRICT NAGAON
ASSAM.

4: CHANDRAWATI ALIAS MINU SAIKIA
D/O LATE RAMNATH DAS
R/O NOONMATI SECTOR-II
P.O. AND P.S- NOONMATI
KAMRUP(M)
ASSA

VERSUS

THE STATE OF ASSAM AND 2 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, LAND REVENUE DEPARTMENT, DISPUR,
GUWAHATI-6, ASSAM.

2: THE DISTRICT COMMISSIONER
NAGAON

OLD TRUNK ROAD
CHRISTIANPATTY
NAGAON
ASSAM

3:THE CIRCLE OFFICER
RAHA REVENUE CIRCLE
RAHA
NAGAON
ASSAM

Advocate for the Petitioner : A S CHOUDHURY,

Advocate for the Respondent : GA, ASSAM, SC, REVENUE

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

15.07.2026

Heard Mr. A.S. Choudhury, learned counsel for the petitioners; Ms. N. Bordoloi, learned Standing Counsel, Revenue Department for the respondent no. 1; and Ms. M. Barman, learned Junior Government Advocate, Assam for the respondent nos. 2 & 3.

2. The petitioners' projection in this writ petition is that the petitioners are the daughters of one Late Ramnath Das. The petitioners' father, Late Ramnath Das was the owner of a plot of land measuring 1 Bigha [the subject-plot, for short] within a parcel of land measuring 1 Bigha 2 Kathas 10 Lessas, covered by Dag no. 62 & K.P. Patta no. 447, situate at Village – Haria Mukh, Mouza – Raha, Raha Revenue Circle, District – Nagaon. After the death of their father, the subject- plot stood mutated in favour of the petitioners by way of inheritance vide a Mutation Order dated 21.03.2023. The petitioners have asserted that they are in continuous peaceful possession of the subject- plot and are paying assessed land revenue regularly. It is the further case of the petitioners that they submitted an application before the respondent no. 3 on 23.03.2026 seeking demarcation of the subject- plot out of the parcel of land measuring 1 Bigha 2 Kathas 10 Lessas, covered by Dag no. 62 & K.P. Patta no. 447. As the

said application has not been given consideration till date, the petitioners are before this Court seeking a direction to the respondent authorities, more particularly, the respondent no. 3 to carry out the demarcation process.

3. Ms. Bordoloi, learned Standing Counsel, Revenue Department and Ms. Barman, learned Junior Government Advocate, Assam have submitted, in unison, that it is mandatory for an applicant to submit any application for demarcation strictly as per the provision of Right to Public Services Act, 2012, as amended, as demarcation is a notified public service and in the case in hand, the petitioners have not submitted their application for demarcation as per the prescribed procedure.

4. The Assam Right to Public Services Act, 2012 [‘the Act’, for short] has been enacted by the Assam Legislative Assembly in order to provide for delivery of notified public services to the people of the State of Assam within the stipulated time limit and for matters connected therewith and incidental thereto. The Act has been published in the Assam Gazette in its Issue dated 02.05.2012.

5. As per Section 2[h], ‘Right to Public Service’ means right to obtain the notified service under this Act from time to time within the stipulated time limit as described under Section 5 and as per Section 2[i], ‘notified service’ means any service notified by the State Government under Section 4. Section 5 of the Act has laid down that every eligible person shall have the right to obtain the services in accordance with the Act within the time bound period as notified under Section 4. It is the liability of Government Servant to deliver services, under Section 6 of the Act, within the stipulated period. The stipulated time limit, as per Section 7[1], starts from the date when the application for obtaining a required notified service is submitted to the Designated Public Servant or to a person subordinate to him authorized to receive the application. Such application shall be duly acknowledged. As per Section 7[2], the Designated Public Servant on receipt of an application under sub-section [1] shall, within the stipulated time limit, provide the notified service or reject the application and in case of rejection of application, he shall record the reasons in writing and communicate to the person making the application,- [i] the reasons for such rejection; [ii] the period within which an

appeal against such rejection may be preferred; and [iii] the particulars of the Appellate Authority. Section 8 of the Act has provided for an appeal before the Appellate Authority and also for a review before the Reviewing Authority.

6. By an Office Memorandum bearing no. RRG.18/2017/Pt/163 dated 21.12.2020 of the Government of Assam in the Revenue and Disaster Management [Reforms] Department, 'demarcation' has been declared to be a notified service under Section 4 of the Act. For ready reference, the contents of the Office Memorandum dated 21.12.2020 are extracted hereinbelow in its entirety :-

GOVERNMENT OF ASSAM
REVENUE & DISASTER MANAGEMENT [REFORMS] DEPARTMENT ASSAM
SECRETARIAT [CIVIL] : DISPUR GUWAHATI-6

No.RRG.18/2017/Pt/163 Dated

Dispur the 21st December, 2020

Office Memorandum

Subject : Declaration of services under Revenue & D.M. Department as per provision of the Section 4 of the Assam Right to Public Service Act, 2012

With a view to provide the delivery of Public Service to the eligible citizens within stipulated time limit the following service of the Revenue & D.M. Department has been identified as Notified service under Section 4 of the Assam Right to Public Services Act, 2012.

Service Name : Demarcation Certificate [where there is no dispute on title].

An important service which is provided by the Revenue & Disaster Management Department is the issue of Demarcation Certificate. This certificate is required to establish the real extent/interest of the land and to establish actual boundary of a particular Dag as per

cadastral map of the revenue village/town. This service can be obtained in the Offices of the Circle Officers.

Eligibility Criteria : Any citizen of Assam who is recorded Pattadar of the scheduled land can avail this service

Procedural Steps for Issuance of Demarcation Certificate :

The applicant has to apply in Standard Application format before Circle Officer of the concerned Circle and Circle Officer will endorse the same to the concerned Dealing Assistant/Copyist. The Dealing Assistant/Copyist after verifying the application, forwards to the concerned Lot Mandal for field verification. Lot Mandal submits the field verification report to Supervisor Kanungo for verification and Supervisor Kanungo after verifying the report forwards to the Circle Officer. Circle Officer, based on the report submitted by Lot Mandal and Supervisor Kanungo approves/rejects the demarcation application.

Once demarcation is allowed by the Circle Officer, the Dealing Assistant prepares a notice regarding the demarcation of the proposed land and it is served to all the copattadars of the concerned Dag and pattadars of the adjacent Dags and sends it to Circle Officer for signing. The LM then visits the S/L on the fixed date and demarcate the concerned Dag in presence of all the stakeholders.

Documents to be annexed along with the Application :

1. Applicant must submit duly signed Application form mentioning details of the scheduled dag.
2. Up to date land revenue receipt

User Charges : Rs.30/-

Citizen Charter : Annexure-1

Time-line : 30 [thirty] working Days.

Sd/-[Avinash Joshi, IAS]
Principal Secretary to the Govt. of Assam
Revenue & D.M. Department

7. it is settled that if the statute prescribes a particular thing is to be done in a particular manner, then the same has to be done in that particular manner only and in no other manner. It is also settled that if there is an alternative, efficacious and adequate remedy, then a person should avail that remedy instead of approaching this Court under Article 226 of the Constitution of India. If it is a case of simple demarcation, as it has been projected by the petitioners, the petitioners should avail the remedy by applying for the notified public service [demarcation] under the Assam Right to Public Services Act first by approaching jurisdictional Designated Public Servant by submitting the prescribed application form and by depositing of the requisite user charges. On receipt of such application, the jurisdictional Designated Public Servant shall acknowledge the same first and thereafter, shall proceed to dispose of the said application as per the procedure laid down in the Act within the stipulated time period prescribed for the said notified public service [demarcation]. It is accordingly observed.

8. In view of the discussion made and the reason assigned above, the writ petition is disposed of by directing the petitioners to avail statutory remedy under the Right to Public Services Act, available to them under the law.

JUDGE

Comparing Assistant